

ORDINANCE NO. 2010-993-O

**AN ORDINANCE AMENDING TITLE 10 OF THE WASHINGTON COUNTY
CODE BY ADDING CHAPTER 25
(WIND ENERGY SYSTEMS AND FACILITIES)**

WHEREAS, Washington County has demand for the construction of alternate energy systems within the county; and

WHEREAS, Title 10 of the Washington County Code does not have provisions dealing with wind energy systems and facilities; and

WHEREAS, in order to provide for the health, safety and welfare of the citizens of Washington County with regard to wind energy systems and facilities, Title 10 of the Washington County Code needs to be amended to add a chapter dealing with wind energy systems and facilities.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Washington County that Title 10 of the Washington County Code is hereby amended as follows:

1. Statutory Authority
2. Purpose of Provisions
3. Findings
4. Title 10-25 Amendment
5. Prior Ordinances, Resolutions, Policies and Actions Superseded
6. Effective Date

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-53-208, 17-53-223, 17-27a-102, and 17-27a-501 *et seq.* (1953, as amended).

2. Purpose of Provisions.

The purpose of this ordinance is to amend Title 10 of the Washington County Code to provide for wind energy systems and facilities.

3. Findings.

- A. Title 10 of the Washington County Code does not contain provisions dealing with wind energy systems and facilities.
- B. An amendment of Title 10 is needed to meet a demand for the construction of alternative energy systems. In order to provide for the health, safety and welfare of the citizens of Washington County with

regard to wind energy systems and facilities, Title 10 of the Washington County Code needs to be amended to add a chapter dealing with wind energy systems and facilities.

- C. In order to provide for the health, safety and welfare of the citizens of Washington County with regard to wind energy systems and facilities, Title 10 of the Washington County Code needs to be amended to add a chapter dealing with wind energy systems and facilities.
 - D. The Planning Commission caused notice of the hearing and the proposed amendment of Title 10 of the Washington County Code to be advertised at least ten (10) days before the date of the public hearing in *The Spectrum*, a newspaper of general circulation in Washington County.
 - D. On April 13, 2010, at 1:30 p.m., the Planning Commission held a public hearing to consider any comments regarding the proposed amendment of Title 10 of the Washington County Code. The Planning Commission accepted all comments.
 - E. The proposed amendment of Title 10 of the Washington County Code was submitted to the Washington County Planning Commission ("Planning Commission") on April 13, 2010. The Planning Commission recommended approval of the proposed amendment.
 - F. It is in the interest of the public and the citizens of Washington County that the proposed amendment of Title 10 of the Washington County Code be approved.
4. Title 10-25 Amendment.

The amendment of Title 10 of the Washington County Code, adding Chapter 25 titled Wind Energy Systems and Facilities, attached hereto as Exhibit "A", is hereby adopted.

5. Prior Ordinances, Resolutions, Policies and Actions Superseded.

This ordinance amends and supersedes all prior ordinances, resolutions, policies, and actions of the Washington County Board of County Commissioners to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

6. Effective Date.

This ordinance takes effect fifteen (15) days after its passage. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with

the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 20th day of April 2010.

WASHINGTON COUNTY

JAMES J. EARDLEY, Chair
Washington County Commission

ATTEST:

Kim M. Hafen
Washington County Clerk-Auditor

Commissioner Eardley voted ____
Commissioner Gardner voted ____
Commissioner Drake voted ____

